



PUBLIC SCHOOLS OF NORTH CAROLINA

DEPARTMENT OF PUBLIC INSTRUCTION | Mark Johnson, *Superintendent of Public Instruction*

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August 16, 2017

MEMORANDUM

To: Directors/Coordinators, Exceptional Children Programs
Directors, State Operated Programs
Directors, Educational Services for the Deaf and Blind
Director, Exceptional Children Assistance Center
Members, Council on Educational Services for Exceptional Children

From: William J. Hussey, Director *WJH*
Exceptional Children Division (EC Division)

Carol Ann M. Hudgens, Section Chief – Policy, Monitoring and Audit *CAH*
EC Division

Re: **Required Changes to North Carolina Policies Governing Services for Children with Disabilities (Policies) – Part One**

In June 2017, the EC Division, recommended a technical correction to the *Policies* to replace the term “Continuous Improvement Performance Plan” with the term “LEA Self-Assessment.” This proposed change was communicated to the field during the 2016-2017 school year and approved by the State Board of Education (SBE) in July 2017.

On June 30, 2017, the EC Division received notification from the General Assembly regarding House Bill 149.

- The General Assembly of North Carolina passed House Bill 149: An Act to Require the State Board of Education and Local Boards of Education to Develop Tools to Ensure Identification of Students with Dyslexia and Dyscalculia. This Act requires that dyslexia be defined in all State Board of Education policies regarding specific learning disabilities no later than June 30, 2017.

On July 7, 2017, the EC Division received notification from the Office of Special Education and Rehabilitative Services (OSEP) regarding an amendment to the federal regulations.

- Rosa’s Law (Pub. L. 111-256) amended sections of the Rehabilitation Act of 1973, as amended (Rehabilitation Act), the Individuals with Disabilities Education Act (IDEA), the Higher Education Act of 1965, as amended (HEA), and the Elementary and Secondary Act of 1965, as amended (ESEA), by removing the words “mental retardation” and replacing them with the words “intellectual disability” or “intellectual disabilities.” The final regulations are effective August 10, 2017.

As a result, the EC Division recommended, to the SBE, the following amendments to the North Carolina *Policies* –Amended July 2014.

EXCEPTIONAL CHILDREN DIVISION

William J. Hussey, *Director* | bill.hussey@dpi.nc.gov

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General Assembly of North Carolina House Bill 149

- Include the definition of dyslexia as follows:
 - *“Dyslexia is a specific learning disability that is neurobiological in origin. It is characterized by difficulties with accurate and/or fluent word recognition and by poor spelling and decoding abilities. These difficulties typically result from a deficit in the phonological component of language that is often unexpected in relation to other cognitive abilities and the provision of effective classroom instruction. Secondary consequences may include problems in reading comprehension and reduced reading experience that can impede growth of vocabulary and background knowledge.”*

Rosa’s Law (Amendments to the IDEA and Federal Regulations)

- Removing the words “mental retardation” in places where they appear and adding, in their place, the words, “intellectual disability.”
- Revising the definition of Child with a Disability - Intellectual Disability to:
“Intellectual disability means significantly sub average general intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the developmental period, that adversely affects the child’s educational performance. The term “intellectual disability” was formerly termed “mental retardation.”

The amendments to the regulations are considered statutory and do not establish or affect substantive policy; therefore, the changes to the *Policies* are considered technical corrections.

As a result of the technical corrections to the *Policies*, approved by the SBE in August 2017 and July 2017, and additional technical corrections that *will be proposed* to the SBE in the Fall of 2017, a reprint of the *Policies* will be postponed until Spring 2018.

In the interim, the changes can be found on the EC Division homepage under “Hot Topics” <https://ec.ncpublicschools.gov/> and the policy page under “NC Policies Governing Services for Children with Disabilities” <https://ec.ncpublicschools.gov/policies/nc-policies-governing-services-for-children-with-disabilities>.

If there are additional questions, contact the Exceptional Children Division: Policy, Monitoring and Audit section at 919-807-3455 to be directed to the appropriate consultant.

WJH/CAH/cah

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